

ENTERED

November 17, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

NIDIA HIGAREDA-HUERTA,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.


§
§
§
§
§
§
§
§

Civil Action No. 1:16-cv-264
(Criminal No. 1:15-cr-465-2)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 4) is **ADOPTED**. It is therefore **ORDERED, ADJUDGED, and DECREED** that Higareda-Huerta's "Motion Pursuant to 28 U.S.C. § 2255 to Vacate Set Aside Sentence in Light of Retroactive Effect of the Clarifying Amendment (794)" (Docket No. 1) is **DISMISSED** with prejudice pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts. A certificate of appealability shall not issue.

Signed on this 17th day of November, 2016



Rolando Olvera
United States District Judge